

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CENTRAL EXCISE APPEAL NO. 65 OF 2006

The Commissioner of Central
Excise.

... Appellant.

V/s.

M/s.Hindustan Petroleum Corp.Ltd. ... Respondent.

None for the appellant.

None for the respondent.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 28th June 2006.

P.C. :

. On the last date of hearing, nobody appeared on behalf of the appellant. Today, when the matter was called out in the pre-lunch session, Mr.Choudhary, Advocate appeared and prayed that the matter be taken up in the post-lunch session.

2. When the matter was called out in the post-lunch session, Mr.Choudhary chose to remain absent. Mr.A.S.Rao appeared and stated that he was not briefed in the matter. On being asked how did he appear on the first date of hearing, he replied, he appeared wrongly due to some misunderstanding.

3. In this view of the matter, petition is dismissed in default with costs quantified in the sum of Rs.2,000/- payable to Maharashtra Legal Services Authority within one week from today. Payment of costs shall be condition precedent, in the event, Revenue decides to apply for restoration of appeal.
